

**REMARKS**

Claims 1-8 and 17-50 are pending. Claims 1-8 have been withdrawn from consideration and claims 9-16 have been cancelled in previously entered amendments. Claim 44 has been amended to incorporate features already described in claims 17, 27, and 39. Claims 51-54 have been added.

New claims 51-54 recite that the first player or second player is assigned to a team. The application at p. 17, ll. 16-18, describes that “[t]he participant may be assigned a team, in the example of a team sport, or may be assigned other variables or qualities for the particular game they have entered.” Applicants respectfully submit that these features are not shown by Eilat.

The Examiner has maintained the rejection of independent claims 17, 27, 39, and 44 over Eilat. Independent claims 17, 27, 39, and 44 include features directed to methods, systems and means for selecting at least one of the first and second players for a game based on at least one parameter provided by the first or second players. In the Office Action at p. 3, the Examiner stated that Eilat discloses “selecting at least one of the first and second players for said interactive game based on at least one parameter provided by the first or second players.” Applicants submit that Eilat does not disclose this feature of independent claims 17, 27, 39 and 44.

In support of the rejection, the Examiner cited Eilat at p. 5, ll. 1-4; p. 6, ll. 15-20; p. 18, l. 19-p. 19, l. 5; p. 19, ll. 23-29; and p. 23, ll. 7-13.

Eilat at p. 5, ll. 1-4, discloses selecting a basic avatar from a group of avatars and confirming a selection of the avatar. The portion of Eilat cited at p. 6, ll. 15-20, also recites selecting a basic avatar, confirming a selection of the avatar and combining a picture of a player with the basic avatar. Applicants submit that the selection of an avatar does not teach the claimed feature because the selection of an avatar is not the selection of a user. The portion of Eilat cited at p. 18, ll. 19-29, defines what the reference considers to be an avatar. An avatar is described as “an embodiment or personification, typically a video embodiment or personification, of a person which is typically combined with other video images in a virtual studio.” The avatar of Eilat exists separately from a

player and can be merely a picture of a player or an animated character chosen to enhance the game playing experience (p. 18, l. 21-23). Applicants therefore submit that disclosure of an avatar in Eilat does not teach “selecting at least one of the first and second players for said interactive game based on at least one parameter provided by the first or second players.”

The Examiner stated that Eilat discloses the selection of a player “by an audience that views the game show, by a manager of the game show, or automatically based on a predetermined criterion, such as previous game playing history of the viewer who wishes to be a player” (p. 19, 1-5). Applicants submit that none of these examples in Eilat show “selecting at least one of the first and second players for said interactive game based on at least one parameter provided by the first or second players.” The cited portion of Eilat merely shows the selection of a player by someone or something that is not a player. However, there is no teaching in Eilat to suggest that the selection by an audience member, by a manager, using a predetermined criterion or using game playing history includes a parameter provided by a player. Applicants therefore submit that the cited portion does not show the selection of a player “based on at least one parameter provided by the first or second players.”

Eilat at p. 19, ll. 23-29, discloses processing a picture of a player and providing the processed picture to a virtual studio assembly which adapts the picture of an avatar having combined characteristics of the player and the avatar. Applicants submit that the cited portion does not show any means for the selection of a player.

Applicants submit that the Examiner’s reference to Eilat at p. 23, ll. 7-13, also fails to disclose “selecting at least one of the first and second players for said interactive game based on at least one parameter provided by the first or second players.” The portion cited by the Examiner discloses the selection of a viewer “performed by placing a telephone call to the viewer’s residence and informing him of the selection, or by transmitting a selection message which is individually

addressed to the viewer.” The placement of a telephone call to a player also fails to identify any “parameter provided by the first or second players.”

While the Examiner identified the portions of Eilat discussed above as teaching the claimed features, the Examiner also recognized the failure of Eilat to explicitly disclose these claimed features. At p. 9 of the Office Action, the Examiner stated that “[t]he Examiner agrees this feature may not be explicitly taught in Eilat et al., however, the feature is clearly taught in the reference. In the instant application, Applicant cites page 15 for support of the position that a player-defined parameter is provided by the first or second players. One of the player-provided parameters is the player’s playing history which is clearly taught as a criterion for a player to be selected in Eilat et al. (page 19, lines 1-5.)”

In further support of the continued rejection, the Examiner cited p. 19, lines 1-5 of Eilat and stated that “[o]ne of the player-provided parameters is the player’s playing history which is clearly taught as a criterion for a player to be selected in Eilat.” As applicants noted above, this portion of Eilat discloses use of previous game playing history to select a player “**automatically**.” While applicants do not dispute that Eilat discloses the use of previous game playing history in player selection, applicants respectfully submit that **there is no suggestion in Eilat that a player’s playing history is specified, defined or in any way provided by a player as part of a player selection process**. Applicants respectfully submit that the claimed methods, systems and means for selecting at least one of the first and second players for a game based on at least one parameter provided by the first or second players are not shown by Eilat.

Because these claimed features are not disclosed in any of the references cited by the Examiner, applicants respectfully request that the rejection of independent claims 17, 27, 39 and 44 be withdrawn. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 577172000300.

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Respectfully submitted,

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